

REMARKS/ARGUMENTS:

By the present Amendment, claims 1 and 31 are currently amended. No new matter has been added. Claims 1 – 37 are now pending in the application, with claims 1, 14, 25, 31 and 35 being independent.

Applicants have carefully considered the contents of the Office Action and respectfully request reconsideration and reexamination of the subject application in view of the explanations noted below.

Objection to the Disclosure

The disclosure is objected to because of the informality regarding the incorrect citation of reference number “61” in the first line of paragraph 31 on page 6 to identify to the centerline, which should have been identified by reference number “62”. The above amendment to the specification obviates this objection to the disclosure.

Rejections under 35 U.S.C. § 102(b)

Claims 1 – 4, 9 – 11 and 31 – 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,810,303 to Bourassa et al. (the Bourassa ‘303 patent). Applicants respectfully traverse this rejection, since the Bourassa patent clearly does not disclose, teach or render obvious the subject matter of claims 1 – 4, 9 – 11 and 31 – 34.

Amended independent claims 1 and 31 each recite, inter alia, a bracket for securing an electrical box to a support having first and third legs, and a second leg connecting the first leg to the second leg such that the first and second legs extend in substantially the same direction from the second leg.

U.S. Patent No. 5,810,313 to Bourassa discloses a bracket 10 that mounts an electrical wiring box 12 to a stud 20, as shown in FIG.2. The bracket has a first leg (the portion of the third leg 42 beyond innermost openings 46 when bent), a second leg 26, and a third leg 42 connecting the first and second legs, as shown in FIGS. 1 and 3. A cutout 50 extends from an edge between the second and third legs to an edge between the second and first legs to form an adjustable member to facilitate securing the bracket 10 to a variety of different-sized studs.

The Bourassa '303 patent does not disclose a bracket having first and second legs extending in substantially the same direction from a third leg of the bracket, as recited in amended independent claims 1 and 31 and shown in FIGS. 6 and 7. As clearly shown in FIGS. 2, 3, 4, 6 and 7 of the Bourassa '303 patent, the first leg (the portion of third leg 42 beyond the bend at oval openings 46) and the second leg 26 extend in *opposite* directions from the third leg 42. Modifying the Bourassa '303 patent so that the first and second legs extend in substantially the same direction would make the inner strip 50 inoperable for its intended use. The inner strip 50 must bend in a direction opposite to and away from the first leg to remove the inner strip from the cutout, so the first leg must be bent away from the stud 20 to allow the inner strip to grip the stud and secure the bracket 10 thereto. Therefore, the Bourassa '303 patent does not anticipate Applicants' claimed invention, nor can the Bourassa '303 patent be modified to have first and second bracket legs extend in substantially the same direction since to do so would render the Bourassa '303 patent unsuitable for its intended purpose.

Claims 2 – 13 and 32 - 34, being dependent upon amended independent claims 1 and 31, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the second leg of the bracket having a plurality of weld projections of claim 5; the second leg of the bracket having a bent distal end of claim 7; the second leg of the bracket having a step of claim 8; the securing member being integral with the first leg of claim 32; the securing member having a longitudinal length extending substantially to an end of the first leg of claim 33; and the first and third legs being substantially perpendicular of claim 34. Therefore, dependent claims 2 – 13 and 32 – 34 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Allowable Subject Matter

Applicants note with appreciation that objected to claims 5 – 8, 12 and 13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

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Claims 14 – 30 and 35 – 37 are indicated as being allowable over the cited prior art of record.

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In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1 – 37 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,

Marcus R. Mickney
Reg. No. 44,941

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, DC 20036
(202) 659-9076

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